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FEB 27 2008

February 22, 2008

Mr. Thomas Dowd  
Administrator  
Office of Policy Development and Research  
Employment and Training Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Room N-5641  
Washington, D.C. 20210

**REF: RIN 1205-AB55 - Temporary Agricultural Employment of H-2A Aliens in the U.S.**

Dear Mr. Dowd:

Let me take this opportunity to express my comments regarding the U.S. Department of Labor's proposed changes to the H-2A program. Overall, the changes should encourage more U.S. agricultural employers to use the program as the attestation provisions expedite the process without sacrificing the necessary safeguards.

The expanded recruitment requirements for the SWA's places a further burden on these agencies which are experiencing budget challenges and increased workloads generated by the rising unemployment rate. Yet, I fail to see how these expanded efforts for U.S. agricultural workers will actually produce more applicants. However, that is more of an issue for those agencies to address.

Requiring farm employers to contact former U.S. employees while the job offer is being circulated (section 655.102 h, page 8567 Federal Register/Vol.73, No. 30) is unduly burdensome and unnecessary. If an employee is a good one, hopefully, the employer would take the necessary steps to stay in touch with the employee for the next hiring period. Requiring a mailing to all former employees from the previous year is an increased administrative burden that requires monitoring of responses and uncertainty in manpower planning as one might not know when or how an employee might respond. Many employees move to other locales, may have only lived temporarily in the area where the farm was located, or otherwise cannot be located. More likely than not, a high proportion of mail will be returned as undeliverable. While not stated in the

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regulation, for complete compliance, I would assume that the employer should also include a postage paid reply envelope to show that the workers were either unwilling or unable to return; and that such letters be sent certified to prove they were mailed. This can start to run-up costs for an endeavor that was basically futile to begin with.

Section 655.109(g), "Payment of Processing Fee" does not state whether there is still a \$1,000 cap.

Thank you for your consideration of my comments. I look forward to learning the revised rules when finalized.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert M. Rohr", written in a cursive style.

Robert M. Rohr